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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,506	03/29/2000	Judith Continelli	10655.9400	6236

7590

12/03/2002

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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/537,506

Applicant(s)

CONTINELLI ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

This is in response to an amendment file on October 8<sup>th</sup>, 2002 for letter for patent filed on March 29<sup>th</sup>, 2000 in which claims 1-37 were presented for examination. In the amendment, claims 1,7,15,23 and 33 have been amended, and claims 38 and 39 have been added. Claims 1-39 are pending in the letter.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noblett Jr. et al. (U.S. Patent No 5,432,326 (*applicant IDS*) in view of Collins et al (2002/0007362 A1).

4. As per claim 1, Noblett Jr. et al teach a system for facilitating the handling of a transactional dispute (*dispute regarding transaction*) comprising: at least one access terminal (*back office computer, 57*) having a display and an input means (*see fig 2*); a central server (*host*

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*computer, 40*) having an Internet web site stored thereon, the display capable of displaying a plurality of dispute handling forms retrieved from the server and the web site (*see fig 2*) a communication channel (*LAN, 58a, 58b*) linking the terminal to the web site and the server to the web site; and a scanner (*embossed data reader, 38*), coupled to the terminal, the scanner able to transform an image into computer readable format for transmission across the communication channel (*see fig 10, and fig 15, also, column 4 lines 24-55*). Noblett Jr. et al fail to teach an inventive concept for facilitating the handling of a post-transactional dispute. However, Collins et al teach an inventive concept for facilitating the handling of a post-transactional dispute (*see page 3, paragraph no. 041*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Noblett et al's inventive concept to include Collins et al's inventive concept for facilitating the handling of a post-transactional dispute because this would have provided a system wherein the statistical data pertaining to previous resolutions to a similar situation may be particularly useful in aiding in the resolution of the present and future situation

5. As per claims 2, 4, Noblett Jr. et al teach a system comprising a first access terminal for a dispute initiator/issuer and a second access terminal for a dispute responder/acquirer (*see fig 1, 2*).

6. As per claims 3, 5, Noblett Jr. et al teach a system comprising a form selection for a dispute initiator and a form selection for a dispute responder wherein the form selection for the initiator comprises a Retrieval Request, a First Chargeback and a Final Chargeback; and the

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form selection for the responder comprises a Fulfillment and a Second Presentment ((*see fig 10, and fig 15, also, column 4 lines 24-55*)).

7. As per claim 6, Noblett Jr. et al teach a system comprising a third access terminal for administration and a fourth access terminal for finance ((*see fig 1, 2*)).

8. As per claim 7, Noblett Jr. et al teach a method for handling a dispute between an Issuer (*card issuing, 18a*) and an Acquirer (*merchant, 16*) via an Internet connection (*network, fig 12*) to which are coupled at least one access terminal (*host computer 40, back office computer 57, card issuer computer 19a*) (*see fig 1, 2*), the method comprising accessing an Internet web site from the terminal, the web site linked to a server comprising a plurality of dispute handling forms stored thereon choosing one of the dispute handling forms, responding to the requested field information on the form, sending the form over the Internet connection to be routed by the server to a disputed party; and repeating steps (a)-(d) for both the Issuer and the Acquirer (*see fig 10, and fig 15, also, column 4 lines 24-55*). Noblett Jr. et al fail to teach an inventive concept for facilitating the handling of a post-transactional dispute. However, Collins et al teach an inventive concept for facilitating the handling of a post-transactional dispute (*see page 3, paragraph no. 041*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Noblett et al's inventive concept to include Collins et al's inventive concept for facilitating the handling of a post-transactional dispute because this would have provided a system wherein the statistical data pertaining to previous resolutions to a similar situation may be particularly useful in aiding in the resolution of the present and future situation

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9. As per claim 8, Noblett Jr. et al teach a method further comprising at least one document scanning device and scanning at the document scanning device at least one supporting document; and sending the supporting document along with the form over the Internet connection to be routed by the server to a disputed party ((*see fig 1, 2*)).

10. As per claim 9, Noblett Jr. et al teach a method wherein the scanning comprises one to five supporting documents ((*see fig 1, 2*)).

11. As per claim 10, Noblett Jr. et al teach a method further comprising reviewing a report comprising the form by financial operations; and transferring liability in response to the report to at least one of the Issuer from Acquirer and the Acquirer from the Issuer (*see fig 10, and fig 15, also, column 4 lines 24-55*)..

12. As per claim 11, Noblett Jr. et al teach a method of requesting a User ID from administrative operations; and receiving the User ID and a password (*see fig 10, and fig 15, also, column 4 lines 24-55*).

13. As per claim 12, Noblett Jr. et al teach a method wherein the choosing one of the dispute handling forms comprises choosing from a form selection for the Issuer and a form selection for the Acquirier (*see fig 10, and fig 15, also, column 4 lines 24-55*).

14. As per claim 13, Noblett Jr. et al teach a method wherein the form selection for the issuer comprises a Retrieval Request, a First Chargeback and a Final Chargeback; and the form

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selection for the Acquirer comprises a Fulfillment and a Second Presentment (*see fig 10, and fig 15, also, column 4 lines 24-55*).

15. As per claim 14, Noblett Jr. et al teach a method wherein the sending step comprises one of viewing and downloading by the disputed party (*see fig 10, and fig 15, also, column 4 lines 24-55*).

16. As per claim 15, Noblett Jr. et al teach a method executed in a network computer system for facilitating handling of transactional disputes, the network computer system having a server and at least one access terminal ((*see fig 1, 2*), comprising accepting at the server a User ID and password from a first user at a first access terminal (*see column 14 lines 42-54*), retrieving from the server a set of dispute handling forms which coincide with the User ID (*see column 14 lines 42-54*), displaying the set of first user forms at the first access terminal ((*see fig 1, 2*), receiving input entered on one of the first user forms at the first access terminal (*see fig 10, and fig 15, also, column 4 lines 24-55*)), transmitting within the network the one of the first user forms to a second user in dispute with the first user (*fig 26, column 54 line 50- 55 line 44*), notifying the second user at a second access terminal of the one of the first user forms (*see fig 10, and fig 15, also, column 4 lines 24-55*), accepting at the server a User ID and password from the second user at the second access terminal (*see column 14 lines 42-54*), retrieving from the server a set of dispute handling forms which coincide with the second user User ID ((*see fig 1, 2*), displaying the set of second user forms at the second access terminal (*see column 14 lines 42-54*) receiving input entered on one of the second user forms at the second access terminal; transmitting within the network the one of the second user forms to the first user (*fig 26, column 54 line 50- 55 line*

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44), notifying the first user at the first access terminal of the one of the second user forms; and repeating steps (a)-(I) until all needed dispute handling forms have been transmitted (*fig 26, column 54 line 50- 55 line 44*). Noblett Jr. et al fail to teach an inventive concept for facilitating the handling of a post-transactional dispute. However, Collins et al teach an inventive concept for facilitating the handling of a post-transactional dispute (*see page 3, paragraph no. 041*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Noblett et al's inventive concept to include Collins et al's inventive concept for facilitating the handling of a post-transactional dispute because this would have provided a system wherein the statistical data pertaining to previous resolutions to a similar situation may be particularly useful in aiding in the resolution of the present and future situation

17. As per claims 16-39, they contain inventive concepts that are identical to claims 1-15. Therefore, they are rejected by the same rationale.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



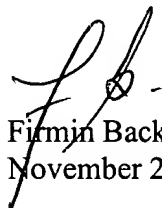
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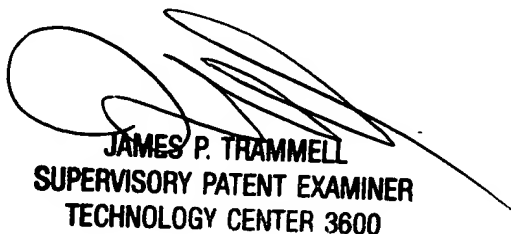
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Firmin Backer  
November 26, 2002

  
JAMES P. TRAMMELL  
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